

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN DOE,

Plaintiff,

v.

PUBLIC COMPANY ACCOUNTING
OVERSIGHT BOARD,

Defendant,

UNITED STATES OF AMERICA,

Defendant-Intervenor.

Case No. 3:23-cv-00149-S

NOTICE OF INTERVENTION BY THE UNITED STATES OF AMERICA

Pursuant to Federal Rules of Civil Procedure 5.1(c) and 24(a)(1), and in accordance with the authorization of the Solicitor General of the United States, the United States of America hereby intervenes in this case for the limited purpose of defending the constitutionality of the Sarbanes-Oxley Act of 2002 and the Public Company Accounting Oversight Board (“PCAOB”).

The United States is entitled to intervene in this case pursuant to the Federal Rules of Civil Procedure and federal law. Rule 5.1(c) permits the Attorney General to intervene in an action where, as here, the constitutionality of a federal statute is challenged. *See* Fed. R. Civ. P. 5.1(c). Rule 24 further permits a non-party to intervene when the non-party “is given an unconditional right to intervene by a federal statute.” Fed. R. Civ. P. 24(a)(1). The United States has an unconditional statutory right to intervene “[i]n any action . . . wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question.” 28 U.S.C. § 2403(a). In such an action, “the

court . . . shall permit the United States to intervene . . . for argument on the question of constitutionality.” *Id.*

Here, Plaintiffs have “drawn in question” the constitutionality of certain portions of the Sarbanes-Oxley Act *see, e.g.*, Compl. ¶¶ 59–85, and the United States therefore has an unconditional right to intervene to defend those laws.

For these reasons, the United States hereby provides notice of intervention in this matter for the limited purpose of defending the constitutionality of the Sarbanes-Oxley Act and the PCAOB.

Dated: March 16, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

CHRISTOPHER R. HALL
Assistant Branch Director

/s/ John Robinson
JOHN ROBINSON
Trial Attorney
United States Department of Justice
Civil Division
Federal Programs Branch
1100 L Street NW
Washington, D.C. 20005
Telephone: 202-616-8489
Email: john.j.robinson@usdoj.gov

Counsel for the United States